

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCE

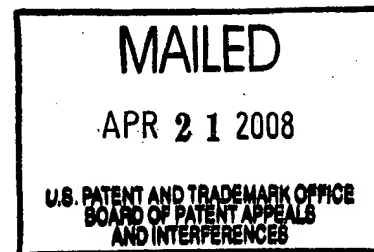
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Ex parte STEVEN M. BLUMENAU, EREZ OFER, JOHN T. FITZGERALD,  
JAMES M. MCGILLIS, MARK C. LIPPITT, and NATAN VISHLITZSKY

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Application 09/107,618

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences (BPAI) on April 4, 2008. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner. The matters requiring attention prior to docketing are identified below.

A Reply Brief was received in the office on March 24, 2008, in response to the Examiner's Answer mailed January 23, 2008. However, in accordance with the revision effective September 13, 2004, 37 CFR § 41.43 states:

(1) After receipt of a reply brief in compliance with § 41.41, the primary examiner must acknowledge receipt and entry of the reply brief. In


Application 10/107,618

addition, the primary examiner may withdraw the final rejection and reopen prosecution or may furnish a supplemental examiner's answer responding to any new issue raised in the reply brief.

Accordingly, it is ORDERED that the application is returned to the Examiner:

- 1) for consideration of the Reply Brief filed on March 24, 2008; and
- 2) for such further action as may be deemed appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

  
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